

Chapter 25
Alcoholic Beverages and Drugs

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History: Article I was from Ordinance 9013¹ (adopted September 8, 1969) and Article II was from Ordinance 9010 (adopted December 4, 1961).

¹ As amended by ordinance 9013-A (adopted September 23, 1991).

Article I Use of Alcoholic Beverages or Drugs in Public Places**Section 25-1 In General**

It shall be unlawful for any person to drink, use or partake of any alcoholic beverages, narcotics or any other drug, not administered or prescribed to be taken by a physician, on the streets, sidewalk, parks or any other public place within the city limits of the City of Delaware City at any time.

Section 25-2 Violations and Penalties

Whosoever shall violate the provisions of this Article shall be guilty of a violation, unless the accused has been convicted under the terms of this Article, or the provisions of 11 Del.C. § 1315 Public Intoxication, within one (1) year, in which case, the offense is an unclassified misdemeanor. The penalty for violation of this Article, be it first or subsequent offense, shall be a fine of one hundred dollars (\$100.00) or imprisonment for a period of no more than thirty (30) days or both. The Court of Common Pleas for New Castle County shall have concurrent jurisdiction with the Justice of the Peace to issue warrants and try offenses brought pursuant to this Article.

Sections 25-3 to 25-5 Reserved

Article II Possession and Consumption by Minors

Section 25-6 Possession of Alcohol by Minors

Whoever, being under the age of twenty-one (21) years, shall have upon or about his or her person or shall have in his or her possession any alcoholic, malt or spirituous beverage within the limits of Delaware City shall be guilty of a misdemeanor.

Section 25-7 Consumption of Alcohol by Minors

Whoever, being then under the age of twenty-one years, shall consume any alcoholic, malt or spirituous beverage upon any street or public place within the limits of Delaware City shall be guilty of a misdemeanor.

Section 25-8 Exceptions for Minors

The provisions of this Article shall not apply either to the possession or consumption of alcoholic, malt or spirituous beverages when consumed as an integral part of sacramental rites performed in the course of religious services conducted in a church building or other house of worship, or, where such consumption is for medicinal purposes pursuant the direction or prescription of a physician or surgeon licensed to practice within this State.

Section 25-9 Violations and Penalties

Violation of the provisions of this Article will be punishable for the first offense by a minimum fine of not less than twenty-five dollars (\$25.00) nor a more than maximum fine of one hundred dollars (\$100.00) and for the second and subsequent offenses by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

Sections 25-10 to 25-15 Reserved